

# INTERVENTION

## ORIGINAL



0000075360

July 18, 2007

RECEIVED

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Arizona Corporation Commission  
Docket Control  
1200 West Washington Street  
Phoenix, AZ 85007

2007 JUL 20 A 11:19

AZ CORP COMMISSION  
DOCKET CONTROL

RE: MOTION TO INTERVENE

Docket No. W-03514A-07-0386

I wish to intervene in the application for the above referenced Docket filed as a motion to dismiss this complaint. I am a customer of this Utility Company and therefore have an interest in the ramifications of this complaint being dismissed.

I have included in this package documentation emails that have been sent to several parties and I am asking that this information be included in the Docket filing as documentation and proof of the companies neglect behavior and failure to provide adequate water services to the customers of Geronimo Estates Subdivision. My interest would include a satisfactory resolution to the problem up to and including adequate water storage facilities and/or deeper well drilling to provide water services to the existing customer base.

I hereby certify that a copy of this Notice of Intervention has been mailed to Payson Water Company/Brooke Utilities, Inc. P.O. Box 82218 Bakersfield, California 93380-2218.

Sincerely,

*Rebecca M. Sigeti*

Rebecca M. Sigeti  
598 Elusive Acres Drive  
Lot 1, Elusive Acres  
HC 7 Box 451  
Payson, AZ 85541  
#928-468-0511

Cc: Arizona Corporation Commission (13)  
Brookes Utilities, Inc. (1)

Arizona Corporation Commission  
**DOCKETED**

JUL 20 2007

DOCKETED BY	NR
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Date: June 21, 2007

RE: Homeowners response to Complaint No. 2007-61109 & Complaint #2007-60587.

To all parties concerned.

I would like to respond as the Homeowner being referred to in the above referenced complaints.

There are some omissions of certain facts from Payson Water Company's response which was emailed via to Harry Jones on 6-20-2007. I will be as brief as possible however; there is a lot to cover regarding this issue.

1. The residents of Elusive Acres and Geronimo Estates have been suffering far too long with this water issue –We have had nothing but equipment issues since December 2006. We have been without water on several occasions and have had no satisfactory response from Brooke's utilities representatives as to when all issues regarding our water and equipment will be resolved.
2. On Memorial Weekend May 28<sup>th</sup> when the water was turned off again I as a homeowner felt it was necessary to make a formal complaint by calling the ACC directly –In which I spoke on the phone to John La Porta.
3. The issue on Memorial Weekend was as it has always been equipment failure. Brooke's representatives came up and did not have the necessary experience and/or equipment to fix the problem. They left the keys and said you are on your own.
4. I made my phone call to John La Porta and was told on that day May 29<sup>th</sup> that I would get a response from Brookes Utilities regarding my phone complaint within 5 (five) days. I called back on June 6<sup>th</sup> and still no response had been received. I called back again on June 12<sup>th</sup> and still no response. –However, I did see that someone –Not Brooke's Utilities –a subcontractor had gone to the pump house and cleaned up the wiring mess inside and these subcontractors were preparing to repair the equipment. I did finally get a response in writing dated June 15<sup>th</sup> from Payson Water Company however by this time we had been without water again on at least two occasions.

5. Ever since the repairs were deemed by Brookes to be finished we have had no water coming from the pump house except via delivery of water truck. The first delivery was done on June 9<sup>th</sup> in the late afternoon an 18 Wheel truck came and made one delivery of 6500 gallons-A second delivery could not be made because it was getting dark the truck driver could not come back in the dark. He had a very difficult time getting up and down our driveway and my husband had to tow him out when his truck was empty. -This was the only time we gave our permission for a delivery of water to take place. Any and all other deliveries if any were not done with our permission.
6. On Sunday June 16<sup>th</sup> at 8:00 .am. In the morning Brookes Utility representative came to our house and said a delivery of water was going to take place. We said ok and waited all day for the delivery no delivery ever came. At 9:00 p.m. on Sunday night June 16<sup>th</sup> a Brookes Truck and an 18 Wheeler attempted to access our property we told them it was too dark, it was too dangerous and that we would not let them on the property at this time. They left.
7. On Monday June 17<sup>th</sup> apparently without our permission Brooke's Utilities and another 18 Wheeler delivered water-They do access our property it is stated in the letter that the "Water transport did not cross customer Sigeti's property but, rather accessed approximately 200 feet of the subject property-This is a false statement the truck was directly on my property and sat right outside my deck emptying water into the tank. This truck sat on my property for more than two hours they did not only cross my property but delivered water on my property. I am not sure how many truck deliveries were made on this day but I was told by Mindy Brogdon via phone conversation that two deliveries were made on this day That the Tank was 1/3<sup>rd</sup> full-which would mean a delivery of 6500 gallons each delivery I assume.
8. On Monday Night June 17<sup>th</sup> when I returned home from work I called Mindy Brogdon directly as a card was on my door from her. Our conversation was understandably heated as I was upset that my permission was not given to access my property that day and I also wanted to know how long this hauling was going to take place before a long range solution to our water problem was determined.
9. Several topics were discussed with Mindy but contrary to the prior letters statement that our permission to access our property was denied it was stated to Mindy from me that I wanted three questions answered before access to my property would be granted again. My three questions were simple and I would like a response in writing

from Brooke's Utilities then we could discuss the property access issue. Those questions that I requested be answered in Writing from Brooke's were: 1. How long will Hauling of water need to take place?

2. I would like written verification that all parts and equipment in the pump house are in working order and everything has been done that needs to be done to ensure that it is not again an equipment failure that is causing this problem. 3. What is the long range solution that Brookes is going to give us to the water issue-meaning what is going to be done to solve this water problem long range? Hauling is only a short term solution it cannot go on forever so what is Brooke's going to do about it?

Mindy's response back to me was that Brooke's would be unwilling to provide answers to these questions in writing to me and that Geronimo & Elusive residents will be out of water unless we grant access to deliver this water via hauling.

I told her at that time that we would not grant access unless my questions could be answered and an alternative method will need to be found by Brooke's to deliver this water via hauling if they planned on continuing to provide water to its customers. That the current situation in which they are delivering this water is not acceptable and/or safe. Mindy said thank you and hung up.

We have not heard back from anyone at Brooke's since this phone conversation took place. However, Geronimo & Elusive Acres was put on Stage 5 on Monday Morning-I assume this is due to the fact that we turned the trucks away at 9:00 p.m. Sunday Night. We have been on Stage 5 ever since.

10. Here we are on June 21<sup>st</sup> and yesterday afternoon at approximately 5:30 p.m. we ran out of water-I promptly called Brooke's Utilities and also left a message on Mindy Brogdon's cell voice mail. I was told they would send up a representative. A representative showed up approximately 7:30 p.m. and my husband went to ask him about the water situation and he promptly got in his truck and drove away without a word.
11. I again called Brooke's utilities and asked that someone call me back with an update as to what was happening-I also told them about the Brooke's representative driving away and not answering any of my husband's inquiries. They told me they would call me back.

12. I did get a phone call back approximately 8:45 p.m. the Brooke's representative said "we cannot tell you what is wrong and we can't give you any answers if you want to call back in two hours maybe we will have some answers for you but basically we can't tell you anything" I thanked the representative for telling me nothing and hung up.

In Closing I have yet to get a sufficient answer from Brooke's Utilities as to why they need to haul water at all. If the Elusive Acres Well is operating then why don't we have any water?

Also if it is due to demand is this condition going to be forever? Because I don't plan on moving and I'm sure the other full time residents don't plan on moving so how is Brooke's going to solve the problem long rang? It is a shame to hear not two blocks away yesterday June 20<sup>th</sup> at 4:30 p.m. a neighbor hit water after drilling 400 feet. Again why don't we have water?

Also I would hate to hear that not all aspects of investigation into the pump house itself and the equipment have been investigated as it seems strange that we have not been able to sustain our water since the subcontractors were at the property to supposedly fix the equipment issues.

Have all parts and equipment been looked at? Are all connections done properly for all mechanics of this equipment to work correctly? From prior experiences with Brooke's and it's service representatives I have my doubts.

As with any customer service industry I anticipate that outages and equipment failures are normal however, Geronimo Estates & Elusive Acres Customers have taken about all the outages and equipment failures they can handle we would like some answers from Brooke's Utilities On how they plan to fix this issue and would appreciate a response from any and all parties involved. We as homeowners want the best from and for our community, however if we cannot depend on our public utility companies to provide answers and service how can the Public Utility Company expect the public to respect and want to do business with them.

All I ask as a homeowner is to have some of my questions answered and some service that is deserving as a paying customer of this company.

Respectfully

Rebecca M. Sigeti

Homeowner Lot 1, Elusive Acres.

Email [zigetti@hughes.net](mailto:zigetti@hughes.net) I look forward to responses.

June 24, 2007

To whom it may concern,

I am a property owner of Lot 1, Elusive Acres and would like to file a formal complaint against Brookes Utilities (BUI) regarding water issues at my property. I will be as brief as possible but would like to point out some facts that brings me to file this complaint.

Our property has had nothing but trouble with water since December 2006 in the most part which has been due to mechanical failures in our pump system. We have had to call BUI on several occasions and each time they send a representative to the property they do not have the experience and/or equipment to do anything about the problem.

Below is a list of the incidents that I have documented

1. On December 26, 2006 - Water Outage-Called BUI and representative took approximately four hours to get to site-Once at Site nothing was done and water service was interrupted for three days. We were told by BUI representative that a faulty switch was the problem and they did not have the parts to fix it. Water service was restored on or about January 1, 2007. Service was sporadic for a full week on and off during the first week of January 2007.
2. On May 7, 2007-Water Line Break-Water Outage again-Took BUI representative two hours to get to site and water was running down the street. Took BUI representative approximately four hours to fix problem and water service sporadic for two days.
3. On May 26, 2007-Water Outage-Representative from BUI comes to property and speaks to Paul Sigeti (my husband) and Joseph Brown (neighbor) tells them the pump is out again and that he has no parts and/or equipment to fix the problem. Hands keys to Paul Sigeti & Joseph Brown and tells them to come to the pump house and flip the switch every time it goes out to restore water service. Leaves and my Husband and neighbor are left to provide water by flipping the switch.
4. Paul Sigeti & Joseph Brown are afraid to go in the pump house because there are wires all over with no protection covers and the possibility of fire and/or electrocution is possible. They attempt to flip the switch as instructed to keep water service in our houses-This continues for two days before an independent contractor shows up-to replace wiring and pump.
5. 5-30-2007 pump house is rewired & 3 HP pump is replaced with 5 HP pump. Water service is restored but sporadic.
6. 6-9-2007-Geronimo & Elusive Acres is put on Stage #4-Water Outage again. BUI delivers water via 18 Wheeler by accessing Lot 1, Elusive Acres. Dangerous delivery conditions-18 Wheeler had to keep truck running and stop several times to let air brakes pump up due to steep hill it had to back down to deliver this water. Was told by BUI representative that water would need to be hauled to site in order to provide service to Geronimo & Elusive Acres-No reason given as to why water has to be hauled.

7. 6-17-2007-9:00 p.m. BUI truck and another 18 Wheeler shows up to deliver water to Lot 1 Elusive Acres-Property owners (Sigeti's)-refuse delivery due to the fact that it is dark out and property access is dangerous even during the day.
8. 6-18-2007-Geronimo & Elusive Acres is put on Stage 5. A water delivery via 18 Wheeler is made to Sigeti's property again without permission of the homeowner-we were at work when this occurred. A card was left on our door-Mindi Brogdon-from Brooke's Utilities-however no one spoke to us regarding this delivery. On the evening of 6-18-2007 I telephone Mindi Brogon and spoke to her regarding the fact that the delivery of this water via 18 Wheeler was dangerous and we did not want any more deliveries done via access to our property-that the liability and danger of this vehicle running into our house was not acceptable to us. I also expressed my concerns regarding the fact that this was only a temporary solution to the problem that hauling could not take place forever and what was BUI doing to resolve this problem long term. Mindi replied that she did not have any long term solution-that if we did not let BUI on the property that the community would be without water. No solution was resolved during this conversation and water delivery has ceased. When I asked what the real problem was during this conversation Mindi could not give me an answer regarding when, how or where water service would be restored. This water outage is being blamed on demand and no one can assure me that all equipment issues have been looked at and resolved.
9. 6-19-2007-Harry Jones-writes letter and sends via email to all parties and offers a solution to delivery of water via smaller trucks.-BUI responds and declines the offer from Harry Jones.
10. 6-24-2007-We are still without water-When calling BUI to inquire about when water service will be restored a recording is on the phone line saying that there is no approximate date of water restoration that this is beyond their control and if we need water to go to Lot 22, Geronimo to get water. A storage tank was delivered by BUI to Lot 22, Geronimo and apparently we are supposed to take buckets and get water. Still no solution to deliver and/or haul water to pump house. When some neighbors inquired to BUI via phone conversation they were told they are without water because the people at the top won't let them deliver water to the tank.

Closing Statement-We as homeowners have done all we think we can do to try to get BUI to investigate the equipment in our Pump House-however nothing is being done to attempt to restore our service at this time. BUI has not come up with a solution and has done nothing to try to deliver water to the storage tank at Elusive Acres. BUI could deliver water to the tank via smaller trucks I believe and not cause a dangerous situation on our property. How long does our community have to suffer without water because BUI wants to prove a point?



They seem to be able to hold our life's in their hands because they don't want to provide a real solution to the problem-When will our water problem be solved? We can't get any answers from BUI so can the commission give us some answers? As a public utility company don't they have to serve the community?

I would like to know when my water service will be restored and what BUI is doing to come up with a long term solution to this problem.

Respectfully Rebecca M. Sigeti-Lot 1 Elusive Acres Phone #928-468-0511. email  
address [zigetti@hughes.net](mailto:zigetti@hughes.net)

To all parties concern:  
From: Rebecca M. Sigeti  
Lot 1 Elusive Acres

I am writing to bring to everyone's attention the continued incompetence and miss leading practices of Brookes Utilities/Payson Water Company.

Attached you will find a letter dated 6-25-2007 that was sent to me and all other customers in Geronimo Estates/Elusive Acres.

I am insulted at BUI's response to our water issues. BUI continues not to be held accountable for its actions and we as water customers are continuing to suffer.

I have listed below the facts as I have documented them.

Wednesday 6-20-2007 5:30 p.m. out of water. Called Brookes two times no response no representative arrived.

Thursday 6-21-2007 still out of water- Sent email to all parties requesting when we will have water service again. Called Brooke's was told by representative they don't know what is going on.

Friday 6-22-2007-Still out of water no response from Brookes- at 8:00 p.m. Joseph Brown (neighbor) calls Brookes and is told will have water in approximately two hours.

Saturday 6-23-2007 -7:20 a.m. still out of water- I called Brookes-spoke with Yolanda - Yolanda responds "We sent a representative to the property on 6-20 you still have no water? I said yes we have never got water have been without since 6-20-2007. Yolanda puts me on hold and comes back to the phone and says I will take your phone number and a representative will call you back. No one ever calls me.

10:34 a.m. I call Brookes back again and a recording is on the line saying " Geronimo and Elusive Acres is without water and due to circumstances beyond our control cannot tell you when water will be restored if you need water go to Lot 22, Geronimo and get buckets of water.

Never a call to me regarding water situation.

If I would not have called I would not have known what was going on.

Sunday 6-24-2007 -Still without water-No call from Brookes at all did see several water representative trucks up at the pump house when husband went to ask representative what was going on the representative would not speak to my husband got in his truck and drove away. After being without water since 5:30 p.m. Wednesday 6-20-2007 got fed up and emailed 3 on your side TV asking if they could help us obtain our water again.

Monday 6-25-2007 I was contacted by TV 3 channel news and told they would come up and do an interview with me regarding our water situation. Channel 3 TV contacted Brooke Utilities/Payson Water Company as well that afternoon requesting an interview and questioned them why we had no water. Channel 3 was to be at my house at 11:00 a.m. on Tuesday 6-26-2007 to do an interview.

Tuesday 6-26-2007-5:00 a.m. got up and it's a miracle we have water. I'm assuming because the news was showing up someone from Brooke's came up and turned the water on in the pump house. I don't know how this happened but by 7:30 a.m. the tank was full and we had water. TV 3 came to property and did interview did news cast on 6:00 p.m. news in this news cast Brookes gave no reason for our water problem and admitted they cannot service our area when problems arise.

If you watch the news cast you will see once again BUI takes no responsibility for its actions and cannot explain why the water appeared out of no where on the same day the news arrived.

That evening I called Mindi Brogdon and left a message on her cell phone asking her to call me directly to discuss the water situation.

Wednesday 6-27-2007 8:30 a.m. Mindi Brogdon called me at work and stated that Brookes would need to haul water to the property and would we let them have access. I stated no 18 wheelers and no pipe on my property. I said I would be willing to let them access my driveway with smaller trucks only and no parking or running engines of trucks on my drive way. That the smaller truck would need to go down past the gate and fill up the tank from there. I also wanted something in writing from Brookes that while on my property no liability for any damages and or incidents caused by driver and/or Brookes representatives and all costs would be at Brookes cost not ours. I also stated to Mindi that this is not a permanent solution to the problem. She stated that after summer was over they will be working on a permanent solution.

I asked Mindi why Geronimo Estates is hooked to Elusive Acres well & pump house. I told her I was aware that the pump house and well was never intended for use by Geronimo Estates and that the facilities cannot sustain both Geronimo and Elusive Acres. When the Elusive Acres Well was done it was not intended for use by anyone but the lots in Elusive Acres. Mindi's response to my question was I don't know anything about that. I told Mindi that I would be pursuing this issue with the ACC and that I believed that Brookes needs to find a way to service Geronimo Estates and they need to turn the Well back over to Elusive Acres as it was intended for. If the Well in Elusive Acres only had to service the 30 lots it was intended to serve we would not have this problem at all. Mindi stated that people filing complaints and fighting Brookes does not help the situation. My response was that Brookes could either participate in finding a solution or I was going to pursue a solution to this problem on my own.

I also asked Mindi to add me to the email listing and requested a copy of the email that was sent out to all Geronimo customers. Mindi added me to the email listing but responded that she could not send me a copy of the email that was sent out.

I responded by telling Mindi that is why customers are angry and fighting with BUI because they refuse to communicate with customers and fail to keep them informed of the situation on regular basis.

Mindi closed the conversation with "she would go to the higher ups with my proposal of smaller trucks but she did not think they would to for it and she would call me back.

6-28-2007 -Mindi Brogdon called me back at work and said that the higher ups at BUI discussed using smaller trucks to haul water and decided it was not feasible to do so, but the tank is full now so we are ok.

I responded that we will not allow 18 wheelers and/or pipe on our property so if hauling is required they will need to find another way.

Mindi stated that we used 6000 gallons of water in June; I told her they must have a problem with reading or calculations because I have never used 6000 gallons of water in one month. I also told Mindi that I know the check valve on our water meter is not working and that I have contacted BUI several times to request that it be fixed. She replied she did not know anything about that but would mention it to someone and have it looked at. She closed this conversation with she would contact me if there is a water problem. To date as of this writing 7-1-2007 we still have a full tank of water and our water service is active.

I would like to know how any customer in our area used 50000 gallons of water as stated in the letter from BUI/ I have noticed on my water bill that the usage for each month varies and on the next month the same usage is different. Is the ACC aware of the miscalculations presented by BUI to its customers? Is the ACC aware of the lack of customer satisfaction of BUI customers? Is the ACC aware that Elusive Acres Well/Pump House is supplying water to Geronimo Estates and should not be? Why did BUI not fix the Geronimo Well when it supposedly went dry? Why did BUI continue to mislead customers of Both Geronimo Estates/Elusive Acres as to why we had no water for five days? What occurred that made this water appear overnight? What is going to happen the next time we run out of water? Can anyone answer these questions. BUI does not want to answer these questions.

I have yet to receive any response to any of my complaints as of this date. I respectfully request that someone respond.

Respectfully

Rebecca M. Sigeti